

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF SEPTEMBER 8, 2008—Continued

(In millions of dollars)

|   | Budget authority | Outlays   | Revenues  |
|---|------------------|-----------|-----------|
| Enacted this session:   |                  |           |           |
| Supplemental Appropriations Act, 2008 (P.L. 110–252) <sup>2</sup>   | 0                | 23        | 0         |
| Medicare Improvements for Patients and Providers Act of 2008 (P.L. 110–275)   | 6,633            | 6,516     | 9         |
| A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (P.L. 110–287) | 0                | 0         | –2        |
| Housing and Economic Recovery Act of 2008 (P.L. 110–289) <sup>2</sup>   | 24,966           | 24,715    | –11,037   |
| Higher Education Opportunity Act (P.L. 110–315)   | –9               | –114      | 0         |
| Total, Enacted this session   | 31,590           | 31,140    | –11,030   |
| Entitlements and mandates:  |                  |           |           |
| Budget resolution estimates of appropriated entitlements and other mandatory programs   | 620,449          | 598,715   | 0         |
| Total Current Level <sup>2,3</sup>  | 1,504,525        | 1,906,231 | 2,086,369 |
| Total Budget Resolution <sup>4</sup>  | 2,538,292        | 2,573,270 | 2,029,653 |
| Adjustment to the budget resolution for emergency requirements <sup>5</sup>   | –70,000          | –74,809   | n.a.      |
| Adjustment to the budget resolution for emergency requirements <sup>5</sup>   | –5,761           | –1,152    | n.a.      |
| Adjusted Budget Resolution  | 2,462,531        | 2,497,309 | 2,029,653 |
| Current Level Over Budget Resolution  | n.a.             | n.a.      | 56,716    |
| Current Level Under Budget Resolution   | 958,006          | 591,078   | n.a.      |

<sup>1</sup> Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110–181), Economic Stimulus Act of 2008 (P.L. 110–185), Andean Trade Preference Extension Act of 2008 (P.L. 110–191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110–227), Consolidated Natural Resources Act of 2008 (P.L. 110–229), Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (P.L. 110–232), Genetic Information Nondiscrimination Act of 2008 (P.L. 110–233), Food, Conservation, and Energy Act of 2008 (P.L. 110–234), SAFETEA-LU Technical Corrections Act of 2008 (P.L. 110–244), and Heroes Earning Assistance and Relief Act of 2008 (P.L. 110–245).

<sup>2</sup> Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level total, are as follows:

|  | Budget authority | Outlays | Revenues |
|--|------------------|---------|----------|
| Supplemental Appropriations Act, 2008 (P.L. 110–252)     | 85,155           | 87,211  | 27       |
| Housing and Economic Recovery Act of 2008 (P.L. 110–289) | 7                | 928     | n.a.     |
| Total, Amounts designated as emergency                   | 85,162           | 88,139  | 27       |

<sup>3</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

<sup>4</sup> Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:

|  | Budget authority | Outlays   | Revenues  |
|--|------------------|-----------|-----------|
| Original Budget Resolution   | 2,530,703        | 2,565,903 | 2,029,612 |
| Revisions:   |                  |           |           |
| For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (SPR Act) (section 323(d)) | 950              | 950       | 0         |
| For the Heroes Earnings Assistance and Relief Tax Act of 2008 (Heroes Act) (section 323(d))                        | 28               | 28        | 32        |
| For adjustment to debt service for the SPR and Heroes acts (section 323(d))  | –13              | –13       | 0         |
| For the Patients and Providers Act of 2008 (sections 221(f) and 227)   | 6,633            | 6,516     | 9         |
| For the Higher Education Opportunity Act (section 222)   | –9               | –114      | 0         |
| Revised Budget Resolution  | 2,538,292        | 2,573,270 | 2,029,653 |

<sup>5</sup> S. Con. Res. 70 assumed \$70,000 million in budget authority and \$74,809 million in outlays for overseas deployment and related activities. Additionally, S. Con. Res. 70 assumed \$5,761 million in budget authority and \$1,152 million in outlays for the Corps of Engineers. The Supplemental Appropriations Act, 2008 (P.L. 110–252) designated funding for these activities as an emergency requirement, pursuant to section 204(a) of S. Con. Res. 21. Such emergency amounts are exempt from the enforcement of S. Con. Res. 70. Since current level totals exclude the emergency requirements enacted in P.L. 110–252 (see footnote 2), budget authority and outlay totals specified in S. Con. Res. 70 have also been reduced for purposes of comparison.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

## HONORING OUR ARMED FORCES

STAFF SERGEANT KENNETH W. MAYNE

Mr. SALAZAR. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SSG Kenneth W. Mayne. Staff Sergeant Mayne, a member of the 4th Infantry Division, was killed in a neighborhood outside of Baghdad on September 4, 2008, when a roadside bomb struck his vehicle. He was 29 years old.

A graduate of Arvada West High School in Colorado, Staff Sergeant Mayne enlisted in the Army in 1997 at the age of 18. According to his mother, Michelle, he immediately took to the discipline and dedication to duty that defines the life of an American soldier. He chose to make service to country his career.

He was first deployed to Iraq in 2003 with the 101st Airborne, and spent a year there in support of Operation Iraqi Freedom.

Later, Staff Sergeant Mayne transferred to the 4th Infantry Division in Fort Hood, TX, because the division was scheduled to be moved to Fort Carson, CO, following its deployment to Iraq in March 2008. He loved Colorado and wanted to go home to be close to his family. Following his discharge, he intended to become a history teacher.

Those who knew Kenneth described him as brave, as dedicated to his men, and as possessing a great empathy for

the children of Iraq. During his patrols in Sadr City, one of the poorest and most volatile neighborhoods in the country, Kenneth distributed toys, soccer balls, and coloring books to Iraqi children that his mother had sent from home. Concerned about their health, he worked with his men to get fresh water into local schools and to clean up sewage so that children had a clean place to play. He believed in the work he was doing because he could see the difference he was making in people's lives.

Ralph Waldo Emerson wrote that, “to share often and much . . . to know even one life has breathed easier because you have lived. This is to have succeeded.”

For all the Iraqi children who are better off, for all the neighborhoods that are safer, for all those whose image of America has been transformed, Staff Sergeant Mayne has succeeded. Staff Sergeant Mayne embodied an America that reaches out to those in need, an America brimming with kindness and compassion, an America that “shares often and much.” For all this, and for his tireless service to his country, Sergeant Mayne has the eternal gratitude of his nation.

To Kenneth's mother Michelle, his father, his stepfather Dan, his sisters Christina and Jennifer, his brother Danny, and all his friends and family, I cannot imagine the sorrow you must be

feeling. I hope that, in time, the pain of your loss is assuaged by your pride in Kenneth's service to his country and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

## TAX POLICY

Mr. GRASSLEY. Mr. President, after I spoke about small business tax issues yesterday, Senators SANDERS and DURBIN responded. I would like to thank my friends from Vermont and Illinois for engaging in the important debate of the future of tax policy for our country last night. The upcoming congressional and Presidential elections will have a big impact on tax issues, so these issues should be debated here in the world's most deliberative body. In response to the comments of my friends from Vermont and Illinois, I would like to raise a few brief points.

First, the 2001 and 2003 tax relief bills were not and are not the “Bush tax cuts.” These bills were crafted in a bipartisan manner. In fact, one-fourth of the Democratic Caucus voted for the 2001 tax relief.

I will be discussing middle income tax relief in a separate speech shortly. However, there's no question the legislation criticized by my two friends improved the progressivity of the Tax Code and cut taxes for middle income

families. For a single mom with two children and \$30,000 of income, the 2001 and 2003 tax relief has prevented a tax increase of \$1,100 per year. Similarly, for a family of four with \$50,000 of income, this tax relief has prevented them from facing a \$2,300 yearly tax increase.

Indeed, both Senator OBAMA and Senator McCain agree on keeping most of the structure of the legislation criticized by my friends from Vermont and Illinois.

Where Senators OBAMA and McCain disagree is on whether we should keep the tax rates where they are. I would note that Senator OBAMA recently agreed that, because of concerns about the economy, we should leave the top rates where they are, at least for now.

I would encourage my friends to review the data I presented yesterday. That data clearly illustrates that there are negative effects on small business from raising marginal rates by 17 percent to 33 percent. The data show that the tax increases of Senator OBAMA's plan will take direct aim at small business owners. Senator OBAMA does now agree that we should defer his tax increases until 2011. Senator McCain thinks the current levels of taxation are appropriate for both now and the future.

The bipartisan tax relief of 2001 and 2003, largely supported by Senators OBAMA and McCain, kept revenues at or above historical averages for most of the period they were in effect. These policies were put in place during economic shocks, and the economy responded.

I would ask my friends why they disagree. Why should we raise taxes on small business now? I look forward to their response.

#### AMERICANS WITH DISABILITIES AMENDMENTS ACT OF 2008

Mr. ENZI. Mr. President, I rise today to voice my support for S. 3406, The Americans with Disabilities Amendments Act of 2008. Like the original ADA, this legislation is the result of extensive bipartisan effort; and I would take this opportunity to commend Senators Hatch and Harkin for their leadership on this issue. I would also note that this legislation was supported by a wide range of stakeholder groups in the employer and disability communities. These groups participated extensively in the development and negotiation of this legislation and it can safely be said that without their participation this bill would not be a reality today.

S. 3406 was principally crafted as a response to a number of Court cases that many observers felt had interpreted the ADA too narrowly, and, therefore, denied coverage to individuals that the statute was originally intended to cover. The legislation clarifies the legislative intent. It retains the inherently functional definition of disability from the original ADA; and

continues to require that in order for a physical or mental impairment to rise to the level of a covered disability it must substantially limit one or more of an individual's major life activities.

Ensuring that individuals with disabilities are free from discrimination, and fostering their full inclusion in the workplace and in all other aspects of life are singularly important goals and responsibilities. It is also equally important to continually monitor our laws, and, as we do today, amend them, to make certain these goals and responsibilities are met.

Whenever changes are made in existing law, however, we must be mindful of the likelihood of increased litigation in the aftermath of such changes. The drafters of S. 3406 have attempted to be as clear as possible in an effort to avoid the type of confusion that could spawn such excessive litigation. That said, we are not unmindful of the concerns expressed by some smaller businesses in this regard. Those businesses should recognize that this legislation was intended to ensure restored coverage for individuals that all of us recognize are entitled to the law's protection; and that the legislation was not intended to promote litigation or prop up questionable or frivolous claims of coverage. Just as Congress has monitored the original ADA and acts today to correct problems with its interpretation, it will continue to monitor the amended ADA and take action in the event it is abused.

I would also note that there have been some concerns expressed by both institutions of higher education and boards of professional certification that this bill would somehow change the fundamental nature of the service which a covered entity provides or lower the standards for professional certification. As to the latter, it should be expressly noted that nothing in the legislation affects the standards for professional certifications; and, as to the former, the legislation itself does not require that accommodations be extended where to do so would alter the fundamental nature of the services being provided. These would seem to be fair safeguards against the legitimate concerns expressed by some stakeholders.

The legislation that we pass today will hopefully help to aid in the full integration of those with disabilities into all aspects of society. It is an important piece in the strategy for achieving this end, but we must remember it is only a piece and cannot be the only strategy. Despite the existence of the ADA the workforce participation levels for individuals with disabilities have remained unacceptably low. We therefore need to think of approaches beyond the traditional enforcement of rights statutes in an effort to achieve the goal of the full participation of all our citizens in the benefits of our society and economy.

#### FEDERAL AND STATE VETERANS HOMES PARTNERSHIP

Mr. GREGG. Mr. President, I rise today to express my thanks for the 250 hard-working men and women of the New Hampshire Veterans Home in Tilton, NH, and to join them, and the other State Veterans Homes across our Nation, in celebrating the 120 year partnership between the Federal Government and State Veterans Homes. Our Nation has a proud history of looking after its warriors even after the loud sounds of battle have been pacified.

Since 1890, the New Hampshire Veterans Home has served in this fine tradition by providing care and comfort for thousands of men and women who have sacrificed so much to preserve our freedom and protect our country and State. The commitment and outstanding contributions of past Commandants, members of the board of managers, staff, and many volunteers to the welfare of New Hampshire veterans is truly extraordinary. Today, the New Hampshire Veterans Home continues to improve and uphold its value by assuring access to affordable, professional, and quality nursing care in a community setting that cultivates learning, growth, and optimal quality of life.

I look forward to building upon the good relationship between our Nation's State Veterans Homes and the Federal Government and again join in celebrating this milestone of service to our Nation's heroes.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MARGARET "PEGGY" SIMS

• Mrs. FEINSTEIN. Mr. President, I wish to take this opportunity to pay tribute to a longtime public servant who spent her career working hard to improve the quality of elections. Ms. Margaret Sims spent her entire career working for both of the agencies under the jurisdiction of the Rules Committee—the Federal Election Commission and the Election Assistance Commission. She passed away earlier this month after a long battle with cancer.

A resident of Burke, VA, Ms. Sims, known to her friends as "Peggy", was born in Schenectady, NY, and was a graduate of Wells College. She was an intern in the community services department at the AFL-CIO before starting her career at the FEC as an investigator. She also served as Director of Compliance and Election Administrative Research Specialist at that agency.

Long before the 2000 election and hanging chads, Ms. Sims was working hard with our Nation's election administration professionals to provide them with the best information available to help them do their job. While at the FEC, she assisted in developing voting systems standards and in the creation